



U.S. Department of Justice
Federal Bureau of Prisons
Federal Correctional Institution
Cumberland, Maryland 21502

Institution Supplement

OPI: Executive Assistant
NUMBER: CUM 1315.07F
DATE: March 31, 2009
SUBJECT: Legal Activities, Inmate

1. **PURPOSE:** To establish institution procedures for inmate access to legal reference materials and legal counsel; the operation of the inmate law library; and the reasonable opportunity to prepare legal documents. This policy applies to all Federal Correctional Institution (FCI) and Satellite Prison Camp (SPC) inmates.
2. **DIRECTIVES AFFECTED:**
 - a. Directives Referenced:
PS 1315.07, Inmate Legal Activities (11/05/99)
PS 5264.08, Telephone Regulations for Inmates (01/24/08)
PS 5265.11, Correspondence (07/09/99)
PS 5266.10, Incoming Publications (01/10/03)
PS 5267.08, Visiting Regulations (05/11/06)
 - b. Directives Rescinded: CUM IS 1315.07E, Legal Activities, Inmate (09/28/07)
3. **LEGAL RESEARCH AND PREPARATION OF LEGAL DOCUMENTS:** The law library at the Federal Correctional Institution (FCI) is designated as the Main Law Library. The law library at the Satellite Prison Camp (SPC) is maintained as a Satellite Camp Law Library, and the law library located in the Special Housing Unit (SHU) is maintained as a Basic Law Library.
 - a. The Supervisor of Education is responsible for the maintenance and supervision of the institution law libraries. The hours of operation for the FCI Main Law Library are:

Monday through Thursday: 8:30 a.m. - 11:15 a.m.
1:30 p.m. - 3:30 p.m.
6:00 p.m. - 8:30 p.m.

Friday: 8:30 a.m. - 11:15 a.m.
1:30 p.m. - 3:30 p.m.

Saturday: 7:30 a.m. - 9:30 a.m.
11:00 a.m. - 3:30 p.m.

DISTRIBUTION: WARDEN, ASSOCIATE WARDENS, A.F.G.E. LOCAL, CENTRAL REFERENCE LIBRARY, MARO, LAN COMMON DIRECTORY, INMATE LAW LIBRARY

The hours of operation for the Camp Law Library are:

Monday through Friday: 7:30 a.m. - 10:30 a.m.
 11:00 a.m. - 3:30 p.m.
 5:00 p.m. - 8:30 p.m.

Saturday and Sunday: 7:30 a.m. - 9:30 a.m.
 11:00 a.m. - 3:30 p.m.
 5:00 p.m. - 8:30 p.m.

The FCI and Camp law libraries are closed on Federal holidays. Inmates using FCI or Camp law libraries must be properly attired in their institution-issued uniform Monday through Friday between the hours of 7:30 a.m. - 3:30 p.m.

- b. Rules and procedures governing the use of the law library are posted in the law library.
- c. Inmates in SHU may request access to Basic Law Library by completing an Inmate Request to Staff form (BP-A148) addressed to the SHU Officer. Requests will be honored in the order received, and time spent in the law library will be recorded in the SHU Law Library Log Book. Inmates requiring additional legal research materials located in the Main Law Library must submit an Inmate Request to Staff form addressed to the Supervisor of Education. Requested legal books and materials will be delivered to the SHU, where they may be reviewed in the SHU law library.
- d. Photocopiers located in the FCI and Camp law libraries are provided primarily for the purpose of making copies of documents required by the court or for legal activity. Copiers are provided through a contract with a commercial vendor. Photocopying of copyrighted material without the written permission of the publisher is forbidden.
 - (1) Photocopier vending cards are purchased at the Commissary. Inmates may possess no more than three copier cards. Exceptions must be approved by the Unit Manager.
 - (2) In order to maintain accountability and reduce vandalism, the photocopier at the FCI Library will be maintained in a secure location. Use of the photocopier by inmates will be under the supervision of staff at times posted on a memorandum from the Supervisor of Education.
 - (3) In the event that the copier is out of service for an extended period of time, an inmate may request, via Inmate Request to Staff form to the Supervisor of Education, that a reasonable amount of

photocopying related to administrative remedies, tort claims, lawsuits and actions with an imminent court deadline, be processed by education staff.

- (4) The inmate will bear the cost for copying through a, "Request for Withdrawal of Inmate's Personal Funds" form (BP-199), in the amount of copying costs. The cost per copy will be the same as the posted cost for the commercial photocopiers.
 - (5) An inmate who requires legal photocopying and alleges he is without sufficient funds will do so in his unit, through his Unit Team. The Unit Manager will verify the monies received and spent in the inmate's account for the last six months and make the final determination regarding the inmate's request for legal copies. If the inmate is determined indigent and approved for legal copies, unit staff will make arrangements to have copies made on the unit copy machine.
- e. A Media Reader (laptop computer) with discovery documents will be available for inmate use in the Law Library or Visiting Room.
- (1) Prior approval must be sought before using the laptop to review electronic discovery. Ordinarily, an attorney will contact the appropriate unit team staff, and the inmate will submit a request in writing on an Inmate Request to Staff form to the Supervisor of Education.
 - (2) Inmates will review and sign the Law Library Electronic Discovery Laptop Media Reader Rules and Regulations form prior to using the laptop. (See Attachment B).

4. **VISITS BY ATTORNEY:** A retained, appointed, or prospective attorney who wishes to visit an inmate will ordinarily make arrangements prior to each visit through contact with the individual's Unit Team. An inmate's attorney of record is normally added to the inmate's visiting record. Bureau of Prisons form BP-S241.013, Visiting Attorney Statement, will be completed and retained in the inmate's Central File. The exchange of legal material and application of signatures to legal documents are permitted. All documents distributed must be copied and ready for exchange prior to the attorney visit. Attorneys with these needs are to notify the Unit Manager in advance. The Unit Manager will note the activity on the Attorney Visit Memo.

Approval requests for attorney visits are ordinarily originated by the Case Manager and routed through the Unit Manager, for approval by the Associate Warden (Programs) for FCI inmates or Camp Administrator/Executive Assistant for Camp inmates.

- a. Approval memorandums shall be placed on file at the Front Lobby or Message Center. Upon arriving at the institution, the attorney will complete the same security screening procedures required for all inmate visitors.
- b. All legal material being brought to the visiting room by the inmate for purposes of an attorney-client visit will be searched for contraband, prior to entry to the visiting area. The reverse procedure applies when the visit is terminated. The inmate's items must be inspected for contraband prior to leaving the visiting area.

5. **TELEPHONE CALLS TO ATTORNEYS:** Procedures for requesting an unmonitored attorney-client telephone call are outlined in the Institution Supplement 5264.07D entitled Telephone Regulations for Inmates.

- a. The Bureau of Prisons provides each inmate with several methods to maintain confidential contact with his or her attorney. For example:
 - (1) inmate-attorney correspondence is covered under the special mail provisions;
 - (2) private inmate-attorney visits are provided; and
 - (3) the inmate is afforded the opportunity to place an occasional unmonitored call to his or her attorney.

Based on these provisions, frequent confidential inmate-attorney calls should be allowed only when an inmate demonstrates that communication with his or her attorney by other means is not adequate. For example, when the inmate or the inmate's attorney can demonstrate an imminent court deadline.

Staff are to ensure that the unmonitored calls they place on an inmate's behalf are to an attorney. Inmates are responsible for the expense of unmonitored attorney telephone calls. Third-party calls are not authorized.

6. **CORRESPONDENCE BETWEEN ATTORNEYS AND INMATES:** Outgoing and incoming correspondence between an inmate and an attorney will be handled in accordance with the Program Statements entitled Correspondence and Mail Management Manual, and FCI Cumberland Institution Supplement 5265.11, Correspondence; Legal/Special Correspondence:

- a. Mail Room staff will endorse each piece of incoming mail qualifying as special mail with the date and time of receipt. A log book tracking the following information will be maintained: the inmate's name, register number, housing unit, the sender's name, date received, and the date, time, and name of staff disseminating the mail. The mail will be opened and inspected for contraband in the presence of the inmate by Unit Staff **upon receipt from the institution mailroom.**

- b. Inmates will bring their outgoing special mail to the ISM Department during Open House in R&D between 11:00 a.m. and closing of the noon meal each business day. Camp inmates will bring their outgoing special mail to their respective counselor. These inmates will be summoned to the Camp Unit Office to receive their incoming special mail during Open House.
- c. Inmates will clearly mark outgoing special mail. Each inmate will hand carry each piece of mail to R&D during Open House where ISM staff will compare the sender's name in the return address with the inmate's committed name.

7. ADMINISTERING OATHS AND ACKNOWLEDGMENTS:

Bureau of Prisons Program Statement 1315.07, Legal Activities, Inmate, states in Section 16, Administering Oaths and Acknowledgments, that an unsworn declaration under penalty of perjury may be used with like force and effect as a sworn declaration, verification, certification, statement, oath, or affidavit, when such action is required by any law, rule regulation, order, or requirement of the United States. Exceptions are a deposition, an oath of office, or an oath required to be taken before a specified official other than a notary public.

Other than for exceptions cited above, staff need not administer oaths and witness inmate signatures to be filed in Federal courts or with Federal agencies, unless directly instructed to do so by the Court or the agency. Inmates may make their own unsworn declaration. For purposes of documents requiring sworn declarations, Title 18, United States Code, Section 4004, provides that, by delegation, institution case managers are authorized to administer oaths.

The requirement for a notary seal to be affixed to a document is limited to certain documents required by state courts, i.e. transfer deeds, divorce decrees, etc. Inmates are to contact their case manager for a determination as to whether the court document requires an unsworn declaration, a sworn declaration, or notary seal to be affixed.

8. COURT FILING FEES: Civil Court filing fees are governed by the Prison Litigation Reform Act of 1995 (PLRA), as codified in 28 U.S.C. § 1915.

Upon notification by a court, Financial Management will file with the court, within the specified time, a certification, which includes: 1) the average monthly balance in the inmate's account for the six-month period immediately preceding the filing of the complaint; and 2) the average monthly deposits to inmate's account during the past six months. Copies of these certifications will be forwarded to the inmate's Unit Team and the institution's legal staff. The Unit Team will maintain a copy of the certification in the inmate's Central File.

When applying for in forma pauperis status in a civil action before a United States District Court or with a United States Appellate Court, inmates are encouraged to complete an "Inmate Filing Fee Agreement" (Attachment A), and forward copies of the completed form both to the Court and to the Financial Manager.

However, in accordance with the PLRA, a civil complaint or notice of appeal is deemed sufficient consent to withdraw the appropriate filing fee funds from an inmate's Trust Account. Upon receipt of a court order imposing civil filing fees, Financial Management staff will process the initial partial filing fee payment, using a copy of the court order as the authorizing document. If insufficient funds exist to make the initial partial filing fee payment, the inmate's trust account will be encumbered for the amount due. Any additional installment payments will be processed by Financial Management in the same manner. These procedures are subject, of course, to more specific directions in the court order.

Copies of any court orders addressing filing fees, letters to the court regarding payment status, and documentation of payments made, will be forwarded to the Unit Team and maintained in the inmate's Central File.

The court filing fees will be paid by United States Treasury checks, and a copy of the inmate's Trust Account statement will be sent with payment as certification. Financial Management staff will monitor payments made by inmates, and will notify the inmate of fulfillment of this obligation.

Payments toward the filing fee will not be made a part of the Financial Responsibility Program (FRP) unless and until the Bureau of Prisons receives notice from the court that the case has been dismissed and the court wishes to have the debt collected through the FRP (with the understanding that it will be collected after other obligations have been satisfied, and the monthly collection may be less than 20% of all income). Upon notification of failure to pay from the court, the Unit Team will meet with the inmate to discuss procedures which will be implemented to ensure payment.

9. ATTACHMENTS:

- a. Attachment A: Inmate Filing Fee Agreement.
- b. Attachment B: Law Library Electronic Discovery Laptop Media Reader.

10. OPERATIONAL REVIEWS: Operational Review guideline steps for parts of this program are the responsibility of the Education Department, Correctional Services, or Unit Management.

J. D. Whitehead
Warden

FEDERAL CORRECTIONAL INSTITUTION
CUMBERLAND, MARYLAND

INMATE FILING FEE AGREEMENT

CONSENT TO COLLECTION OF FEES FROM TRUST FUND ACCOUNT

Court Name and Location:

Case Reference Number:

Court Filing Fee:

I, _____, Reg. No. _____, understand that by signing this agreement I hereby agree:

a) to pay the full filing fee required by this Court under the Prison Litigation Reform Act even in the event the case is dismissed or the Court decides the case before the entire fee has been paid;

b) to obtain a monthly statement of my Trust Fund account and calculate the required partial payments based on the amount of 20 per cent of the previous month's income deposited to my Trust Fund account;

c) to submit monthly to staff via Inmate Request to Staff Member (BP-148) a copy of the current Trust Fund statement, the payment calculation, a self-addressed stamped envelope, and a completed Request for Withdrawal of Inmate's Personal Funds form (BP-199), authorizing withdrawal of the partial payment from my Trust Fund account for payment to the above-referenced Court. The first payment must include a signed copy of the Filing Fee Agreement. The BP-199 will not be completed in pencil.

d) to notify the Court when there are insufficient funds in my account (account balance less than \$10) to make a monthly payment and provide the Court with a copy of the account statement supporting the insufficiency;

e) that failure to adhere to this agreement will result in enrollment in the Financial Responsibility Program (FRP) once the court has dismissed the case, and if already a participant in the FRP, this debt will be added to the outstanding balance; and

f) that once consent to the payment of these fees has been given, it cannot be withdrawn.

This authorization is furnished in connection with the above numbered and entitled case and shall apply to any other Federal institution into whose custody I may be transferred. By executing this document, I also authorize collection on a continuing basis of any additional fees, costs, and sanctions imposed by the District Court or the Court of Appeals.

Date

Signature of Inmate Plaintiff

Law Library Electronic Discovery Laptop Media Reader

- 1.) The laptop is **only** be used for reviewing electronic discovery by inmates with active court cases. All other uses are prohibited.
- 2.) Only discovery in Word, WordPerfect and/or Acrobat files are able to be reviewed.
- 3.) There is no printing access. No electronic devices can be added to the laptop to enable printing access.
- 4.) An access password will be provided with the laptop at time of use.
- 5.) No food or drink is permitted on or near the laptop.
- 6.) All laptop problems must be reported, depending on location, to a Visiting Room Officer, Unit Team Member, or Education Department staff immediately.
- 7.) If the laptop is tampered with and/or damaged during an attorney/client review or individual review of the electronic discovery, the inmate will be responsible for the costs of the repair.
- 8.) Failure to adhere to the rules mentioned above may result in your suspension from utilizing the laptop to review electronic discovery and possible disciplinary action may be taken.

I have read and understand the rules and regulations stated above.

Inmate Name: (Print) _____

Register Number: _____ Unit: _____

Signature: _____

Date Signed: _____

Staff Witness: (Print) _____

Signature: _____

Date Signed: _____